

From: [Conroy, David](#)
To: [Mark R. Sussman](#)
Cc: [Bird, Patrick](#); [Dahl, Donald](#)
Subject: RE: Title V Question
Date: Friday, December 1, 2017 12:10:14 PM
Attachments: [image001.jpg](#)

Mark –

It's probably best if you talk directly to Donald Dahl and Pat Bird from my staff. They can both give you a call on Monday. Let us know what time works best for you.

Thanks.

David Conroy

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From: Mark R. Sussman [mailto:MSUSSMAN@murthalaw.com]

Sent: Thursday, November 30, 2017 3:40 PM

To: Conroy, David <Conroy.Dave@epa.gov>

Subject: Title V Question

Dave, I hope you had a good Thanksgiving Holiday. I wanted to talk with you about a potential project being considered in Connecticut. It is still at a very preliminary stage, so I am not ready to make a formal request for a determination, but hoped you might have a few minutes to talk about the issues either late tomorrow afternoon or sometime next week.

The issue involves the question as to whether a facility on land leased from a facility that is a Title V source will need to be included in the existing Title V permit for the existing facility. I'm attaching your letter from last year, which addressed the addition of a fuel cell to the Pfizer facility. In that letter, you had concluded that the fuel cell and the Pfizer facility should be considered a single source for Title V permitting purposes.

The current project under consideration involves a potential tire recycling facility using a proprietary pyrolysis process. The tire facility would recycle waste tires generating synthetic gas that can be burned in a distributed combined heat and power ("CHP") facility that supports a manufacturing operation. The tire facility would not only provide gas for the CHP, but would also serve customers that need to recycle tires and would generate carbon black and steel for recycling markets. The tire pyrolysis units would not be operated by the manufacturing facility that has the Title V permit.

From my preliminary discussions with the manufacturer, it seems clear to me that they would be unlikely to contract with the tire facility if EPA and DEEP concluded that they would have to include the tire pyrolysis operation in their Title V permit. The manufacturer is not in the business of recycling tires and since tire recycling is not part of its core function, the manufacturer does not want to assume any compliance obligations for the tire facility.

Unlike the fuel cell at Pfizer, the tire facility would not have a single contract where it sells all of its products to the manufacturing facility. It would have contracts with used tire generators and companies that purchase carbon black and steel. Unlike the Pfizer situation,

this facility would not be constructed for the sole purpose of powering the manufacturing facility. Moreover, unlike a fuel cell, which has no real emissions limitations, the tire facility would be subject to its own air emission requirements.

The technology being considered appears to provide a very promising way to recycle and reuse materials from a significant stream of solid waste. The economics seem to work best where the synthetic gas can be used for CHP purposes. In my view, it would be a shame if we cannot find an appropriate host site because the host does not want to assume liabilities from a plant operated by a separate company.

Let me know when you have some time to talk about this. Thank you.

MARK R. SUSSMAN | PARTNER

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